

Notice Administrator for U.S. District Court P.O. Box 6727

Portland, OR 97228-6727

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Terry Schow Director

Utah Department of Veterans Affairs 550 Foothill Drive

Salt Lake City, UT 84113

The attached notice describes a proposed settlement of a class action lawsuit involving the theft of computer equipment which was reported to contain personal information of veterans, spouses of veterans, and military personnel. The accompanying claim form explains how Class Members can ask for benefits from the settlement.

We are asking your assistance in distributing or getting this important notice to your members, some of whom may be eligible to receive benefits if they incurred actual damages from May 3, 2006 through February 11, 2009 that were directly related to the theft of computer equipment on May 3, 2006.

Please feel free to print the enclosed short notice in any newsletter you publish, or post a link to the Court website for the settlement, [www.VeteransClass.com](http://www.VeteransClass.com), at any website you host. You may also reproduce the claim form to go with the notice.

CLAIM FORM

VETERANS AFFAIRS CLASS ACTION SETTLEMENT

If you would like to receive a reimbursement payment from the settlement, you need to fill out and mail this claim form. Please read the detailed notice and this claim form to understand all of your legal rights and options under the settlement.

Name: \_\_\_\_\_

Mailing Address:

Date of Expense: \_\_\_\_ / \_\_\_\_ 1 \_\_\_\_

*Month Day Year*

Provide a brief description of why you believe this expense is a direct result of the May 3, 2006, theft of computer equipment containing personal information.

3. REQUIRED DOCUMENTATION.

Attach copies of any paperwork (such as credit card statements, invoices, medical records, cancelled checks, or receipts) that document your out-of-pocket expense(s) between May 3, 2006 and February 11, 2009.

4. SIGN AND DATE YOUR CLAIM FORM.

I hereby declare under penalty of perjury that the information provided is true and correct to the best of my knowledge, and that all documents attached to this form are real. I authorize the U.S. Department of Justice, Class Counsel, and the Claims Administrator to exchange and/or communicate information about me as necessary to carry out the Settlement Agreement and claims process. I also authorize the Claims Administrator to make all necessary withholdings from any reimbursement payment as required by applicable tax rules.

\_\_\_\_ / \_\_\_\_ / \_\_\_\_

*Month Day Year*

5. MAIL YOUR CLAIM FORM.

This claim form must be postmarked by November 27, 2009 and mailed to:

VA Settlement Claims PO Box 6727 Portland, OR 97228-6727

# If you are a veteran, the spouse of a veteran, or a member of the military, you could get a payment from a class action settlement.

Subject to final court approval, a nationwide classaction settlement has been reached with the United States Department of Veterans Affairs, the Secretary of the United States Department of Veterans Affairs, the Deputy Secretary of the United States Department of Veterans Affairs, and an employee of the United States Department of Veterans Affairs in their official capacities (together called the "Defendants") stemming from the theft of computer equipment which was reported to contain personal information of veterans, spouses of veterans, and military personnel. A \$20 million settlement fund will be established to reimburse people for out-of-pocket expenses as a result of the theft as well as to cover lawyers' fees, costs and expenses.

If you're included in the settlement, you may send in a claim form to ask for a payment, or you can exclude yourself from, or object to the settlement. The United States District Court for the District of Columbia authorized this notice, and will have a hearing to decide whether to approve the settlement, so that payments can be issued. You can get a detailed notice at [www.VeteransClass.com](http://www.VeteransClass.com).

The settlement includes all veterans, spouses of veterans, and military personnel who had actual damages from May 3, 2006 through February 11, 2009 that were directly related to the theft of computer equipment which was reported to contain their personal information from the home of a VA employee on May 3, 2006. The settlement also includes all representatives, heirs, administrators, executors, beneficiaries, agents, and assigns of the Class Members.

Actual damages include out-of-pocket expenses incurred as a direct result of the theft, including those that were: used to protect or monitor your personal or financial information; or the result of physical symptoms of severe emotional distress. Out-of-pocket expenses may include, for example, the purchase of credit monitoring to protect against identity loss.

On May 3, 2006 computer equipment which was reported to contain personal information of veterans, spouses of veterans, and military personnel, was stolen from the home of an employee of the Department of Veterans Affairs. The equipment was reported to contain identifying information including names, social security numbers, and dates of birth for up to 17.5 million veterans, spouses of veterans, and military personnel, as well as some disability ratings. The data did not include any health records or financial information. The equipment was later recovered on June 28, 2006 by the Federal Bureau of Investigation, whose review of the equipment indicated that the data had not been accessed. The Court did not decide in favor of the Plaintiffs or Defendants. Instead, both sides agreed to a

settlement to resolve the case and provide payments to Class Members. The settlement does not mean that any law was broken and the Defendants deny all claims of wrongdoing in this case.

## WHAT DOES THE SETTLEMENT PROVIDE?

The Defendants will establish a \$20,000,000 settlement fund to make payments to Class Members who had eligible out-of-pocket expenses, as well as to cover lawyers' fees, costs and expenses. Any money remaining in the settlement fund after paying Class Members, lawyers' fees, costs and expenses will be donated to the Fisher House Foundation, Inc. and The Intrepid Fallen Heroes Fund. The Settlement Agreement, available at the website ([www.VeteransClass.com](http://www.VeteransClass.com)), describes all of the details about the proposed settlement.

## How DO YOU ASK FOR A PAYMENT?

To ask for a payment you must complete and submit a claim form. You can get a claim form at the website ([www.VeteransClass.com](http://www.VeteransClass.com)) or by calling the toll-free number (1-888-288-9625). The claim form describes what you must provide to prove your claim and receive a payment. Please read the instructions carefully, fill out the claim form and mail it postmarked no later than **November 27, 2009** to the address on the form.

If you submit a valid claim you will be paid the actual cost of your out-of-pocket expenses up to \$1,500. The minimum payment for each valid claim will be \$75. However, if the total amount needed to pay valid claims exceeds the amount left in the settlement fund after deducting lawyers' fees, costs and expenses, each Class Member's payment will be reduced and paid in proportion to all Class Members' payments.

If you don't want to be legally bound by the settlement you must exclude yourself by **June 29, 2009**, or you won't be able to sue, or continue to sue, the Defendants on your own about the legal claims in this case. If you exclude yourself, you cannot get a payment from the settlement. If you stay in the settlement, you may object to it by **June 29, 2009**. The detailed notice explains how to exclude yourself or object.

The Court will hold a hearing in this case, known as *In Re:*

*Department of Veterans Affairs (VA) Data Theft Litigation*, MDL No. 1796, on **July 28, 2009 at 10 a.m.**, to consider whether to approve the settlement, and a

request by Class Counsel for fees up to 25% of the settlement fund, plus costs and expenses. Class Counsel will also ask for an \$18,000 payment to be split among all of the Named Plaintiffs in this lawsuit, who helped the lawyers on behalf of the whole Class. You or your own lawyer may ask to appear and speak at the hearing at your own cost, but you don't have to. For more information, call toll- free 1-888-288-9625 or go to [www.VeteransClass.com](http://www.VeteransClass.com).

**1-888-288-9625**

**[www.VeteransClass.com](http://www.VeteransClass.com)**